

Affidavit of Publication

State of South Dakota

Exhibit "A"

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County of Brookings

MINERALS & MINING PROGRAM

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal #459 " Powertech"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

February 5, 2009

January 12, 1900

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Ninty dollars and ninty-seven cents \$90.97

Subscribed and sworn to before me this 12th day of February 2009

Katy VanMaanen
Christina Nelson

Notary Public in and for the County of Brookings, South Dakota. My Commission expires April 27, 2012

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MINERALS & MINING PROGRAM

Legal 459, 2x, 2/5,12
NOTICE OF HEARING

NOMINATION OF LANDS TO THE PRELIMINARY LIST OF SPECIAL, EXCEPTIONAL, CRITICAL, OR UNIQUE LANDS

Notice is hereby given that the South Dakota Department of Environment and Natural Resources has received three petitions to nominate lands for inclusion on the preliminary list of special, exceptional, critical, or unique lands. These petitions were received from Charmaine White Face and the Defenders of the Black Hills, PO Box 2003, Rapid City, SD 57709-2003, Debra White Plume, PO Box 71, Manderson, SD 57756-0071, and the Oglala Sioux Tribe, through its attorney, Elizabeth Lorina, Gonzalez Law Firm, 522 7th Street, Suite 202, Rapid City, SD 57701. The nominated area includes land 12 to 17 miles northwest of Edgemont, South Dakota.

These nominating petitions pertain to a "Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate" submitted by Powertech (USA), Inc., PO Box 812, Edgemont, SD 57735-0812. The Notice of Intent to Operate involves a proposed in situ leach mining operation that will mine uranium from the Fall River and Lakota Formation in the Dewey-Burdock region northwest of Edgemont, South Dakota.

The legal description of the nominated area is E1/2 NE1/4, E1/2 SE1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4, SE1/4 SW1/4, and S1/2 NE1/4 SW1/4 Section 20, W1/2, W1/2 W1/2 NE1/4, and W1/2 NW1/4 SE1/4 Section 21, S1/2 Section 27, N1/2 NW1/4, SW1/4 NW1/4, and SW1/4 Section 28, Section 29, Section 30, E1/2 Section 31, Section 32, NW1/4, SW1/4, SE1/4, and S1/2 NE1/4 Section 33, Section 34, and Section 35; T6S-R1E,

cised at the hearing. The decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Persons interested in presenting data, opinions, and arguments for or against any of the nominating petitions may do so by appearing in person at the hearing or by sending such information to the Minerals and Mining Program, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written objections to or statements in support of the nominating petitions should be submitted to the Minerals and Mining Program no later than February 18, 2009.

If the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 26-17.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making special arrangements is (605) 773-4201.

Persons desiring further information regarding this hearing may contact either Eric Holm or Roberta Fivecoate, Minerals and Mining Program, at the above address or by calling (605) 773-4201.

Steven M. Pirner
Secretary
Department of Environment and Natural Resources